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EXAMINER

STIGLIC, RYAN M

ART UNIT PAPER NUMBER

2112

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,683

Applicant(s)

BAILEY ET AL.

Examiner

Ryan M. Stiglic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 and 19-20 are pending and have been examined.
2. Claims 1-16 and 19-20 are rejected.

Response to Arguments

3. Applicant's arguments filed September 10, 2005 have been fully considered but they are not persuasive.
 - a. With respect to applicant's arguments regarding claim 1 and "Mizukami does not teach or suggest anything about storing numbering information in non-volatile memory..." the Examiner applied Mizukami as a secondary reference to solve the problem of reloading the contents of a memory after a loss in data (such as replacement or upgrading of a computer system, AAPA page 8, lines 1-3). Furthermore, applicant alleges, "The environment, computer system and problems in Mizukami are completely different than the computer systems, equipment and problems solved by the claimed invention..." to which the Examiner respectfully disagrees. With regards to the proper use of Mizukami, MPEP § 2141.01(a) states:

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, *then be reasonably pertinent to the particular problem with which the inventor was concerned.*" In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."); * Wang Laboratories Inc. v. Toshiba Corp., 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993)>; and State Contracting & Eng 'g Corp. v. Condotte America, Inc., 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, the reference may be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved)

In the case of applicant's invention, Mizukami was applied to AAPA to teach of an efficient way to retrieve important system information from a device (or system) that recently experienced a loss in data (failure event). AAPA discloses the storing of bus-numbering information in non-volatile memory and also discloses that when said non-volatile memory is replaced in a Tower (computer system) the Tower cannot accurately recollect the lost data once stored in the non-volatile memory. Mizukami was applied to correct these deficiencies by providing a system and method for storing valuable device information in each of its neighboring devices. Therefore, a possibility that node information is lost can be reduced even if a failure (such as replacing a memory component) occurs in a node (device).

b. With respect to applicant's arguments, "These broad characterizations of Mizukami and the claim language only make sense when one is familiar with the Application herein..." the Examiner notes that a prior art rejection was applied under 35 U.S.C. § 103(a) using Applicant's Admitted Prior Art (AAPA) in view of Mizukami. AAPA discloses the "broad characterizations" of a "failure event" at least on page 8, lines 1-3 where replacing a NVRAM component of a Tower is discussed. This replacement of a NVRAM component results in a "failure event". Here the "failure event" refers to losing data once stored in the replaced NVRAM component. Therefore, this "broad characterization" is not an inappropriate hindsight re-construction but rather motivation to incorporate Mizukami to solve the deficiencies of the Applicant's Admitted Prior Art.

4. The prior art rejections of claims 1-16 and 19-20 are maintained and presented below.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 16-20 are rejected under 35 U.S.C. 101 because Claim(s) 16-20 is/are not limited to tangible embodiments. In view of Applicant's disclosure, Specification page(s) 16, line(s) 1-2, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., floppy disks and CD-RW) and intangible embodiments (e.g., digital and analog communications links). As such, the claim(s) is/are not limited to statutory subject matter and is therefore non-statutory.

Furthermore independent claim 16 must possess a positive recitation embodying applicant's invention on a computer readable medium. An example of a positive recitation would be as follows, "A program product stored on a computer readable media comprising:". This would therefore eliminate the need for the non-positively recited limitation "recordable signal bearing media bearing the bus number manager."

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (herein after AAPA) in view of Mizukami (US 20020120708A1).

For claim 1:

AAPA teaches a bus numbering system comprising a first apparatus with a non-volatile memory (Fig. 1-5, items 122, 132, 142, or 152; page 5, ll. 3-18). Each non-volatile memory contains the serial number and type of the bus manager (Fig. 1-5, "CEC" 110; page 5, line 20 – page 6, line 2) in order to validate the contents of each apparatus's non-volatile memory (page 8, ll. 8-18).

AAPA teaches a recovery procedure for the failure of an apparatus (page 9, line 1 - page 10, line 11). The outcome of the recovery procedure provides Tower C (Fig. 1-5; 140) with original buses 7-9 renumbered to buses 12-14. Thus an inefficient failure recovery procedure is evident and there exists a need for an efficient recovery procedure that provides Tower C with the ability to rollback to the configuration of Tower C prior to the failure event.

Mizukami teaches a system for managing information in nodes in the event of a failure. The invention of Mizukami relates to providing a copy of a node's configuration data in each of its adjacent neighbors (abstract). Each node contains an information memory unit for storing configuration data ([0018]) and a backup node information memory for storing an adjacent node's configuration data ([0018-19]). The two information memory units are provided as a single memory device ([0025;0063]). Upon the loss of the configuration data of a node (e.g. a

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failure event) the data stored in the backup memory of an adjacent node is transferred to the failed node ([0023;0083;0085;0095-0099]). Therefore upon failure of a particular node the configuration data is loaded from the node's adjacent nodes providing an accurate recovery with little intervention by a manager thus reducing the processing load of a manager ([0107]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the adjacent neighbor configuration data backup of Mizukami into the bus numbering system of AAPA such that the possibility that configuration data (bus numbering information) is lost can be reduced even if a failure occurs in a particular device.

For claims 2, 5, 8, 11, 13, 15 and 19:

The first apparatus of claim 1 wherein the bus numbering information comprises a beginning bus number and a number of buses (AAPA; Fig. 1-5, items 122, 132, 142, or 152; page 5, ll. 3-18; and in conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information).

For claims 3, 6 and 20:

The first apparatus of claim 1 wherein the non-volatile memory comprises at least one identifier for determining if contents of the non-volatile memory are valid (AAPA; page 9, line 1 - page 10, line 11).

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For claim 4:

A computer system comprising:

- a first physical enclosure (AAPA; Fig. 1-5; 120; page 5, ll. 3-18);
- a second physical enclosure coupled to the first physical enclosure (Fig. 1-5; 130; page 5, ll. 3-18), the second physical enclosure including a non-volatile memory that contains bus numbering information for buses contained in the first and second physical enclosures (AAPA; Fig. 1-5, items 122, 132, 142, or 152; page 5, ll. 3-18; and in conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information);
- and a bus number manager that detects a change in configuration of the computer system and that reads the bus numbering information from the non-volatile memory for the first and second physical enclosures to determine an appropriate bus number for at least one bus in the first and second physical enclosures (AAPA; Fig. 1-5, "CEC" 110; page 5, line 20 – page 6, line 2; page 9, line 1 - page 10, line 11; In view of Mizukami the CEC is provided with the ability to read backup configuration data/bus numbering information from adjacent Towers' non-volatile memory).

For claim 7:

A computer system comprising:

- a first physical enclosure comprising (AAPA; Fig. 2, 110):
 - at least one processor (AAPA; Fig. 2, 116);

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- a memory coupled to the at least one processor (AAPA; Fig. 2, 118);
 - a non-volatile memory coupled to the at least one processor, the non-volatile memory including a bus number mask that indicates bus numbers in use in the computer system (AAPA; Fig. 1-2; 112; page 5, line 20 – page 6, line 2); and
 - a hub coupled to the at least one processor (AAPA; Fig. 2, 114);
- a second physical enclosure comprising (AAPA; Fig. 2, 120):
 - at least one bridge coupled to the hub in the first physical enclosure (AAPA; Fig. 2, 126);
 - at least one numbered bus coupled to the at least one bridge (AAPA; page 6, ll. 20-21);
 - a non-volatile memory (AAPA; Fig. 2, 122) that contains:
 - bus numbering information for numbered buses in the second physical enclosure; and
 - bus numbering information for numbered buses in a third physical enclosure (AAPA; page 5, ll. 3-18; and in conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information);
- the third physical enclosure comprising (AAPA; Fig. 2, 130):
 - at least one bridge coupled to the at least one bridge in the second physical enclosure (AAPA; 136);

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- at least one numbered bus coupled to the at least one bridge in the third physical enclosure (AAPA; page 6, ll. 20-21);
- a non-volatile memory (AAPA; Fig. 2, 132) that contains:
 - bus numbering information for numbered buses in the third physical enclosure; and
 - bus numbering information for numbered buses in the second physical enclosure (AAPA; page 5, ll. 3-18; and in conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information);
- a bus number manager residing in the memory of the first physical enclosure (Fig. 2, 119) and executed by the at least one processor in the first physical enclosure (page 6, ll. 3-12), the bus number manager detecting a change in configuration of the computer system and reading the bus numbering information from the non-volatile memory in the second and third physical enclosures to determine an appropriate bus number for at least one bus in the second and third physical enclosures (AAPA; Fig. 1-5, "CEC" 110; page 5, line 20 – page 6, line 2; page 9, line 1 - page 10, line 11; In view of Mizukami the CEC is provided with the ability to read backup configuration data/bus numbering information from adjacent Towers' non-volatile memory).

For claim 9:

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A computer-implemented method for storing bus-numbering information in a non-volatile memory, the method comprising the steps of:

- assigning unique bus numbers to buses in a first physical enclosure (AAPA; page 8, ll. 8-18);
- assigning unique bus numbers to buses in a second physical enclosure (AAPA; page 8, ll. 8-18);
- and storing the bus numbers for the buses in the first and second physical enclosures in the non-volatile memory (AAPA; Fig. 1-5, items 122, 132, 142, or 152; page 5, ll. 3-18; and in conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information).

For claim 10:

The method of claim 9 wherein the non-volatile memory resides in the first physical enclosure (In conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information. Furthermore both the first and second enclosures would thus contain non-volatile memories holding bus-numbering information for both itself and its neighbor enclosures).

For claim 12:

A computer-implemented method for numbering a plurality of buses in a computer system that includes a plurality of physical enclosures, the method comprising the steps of:

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- storing in a non-volatile memory bus numbering information for at least one bus in a first physical enclosure (AAPA; page 5, ll. 3-19);
- storing in the non-volatile memory bus numbering information for at least one bus in a second physical enclosure (AAPA; page 5, ll. 3-19; and in conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information);
- detecting a change in the computer system configuration ; and reading the bus numbering information from the non-volatile memory for the first and second physical enclosures to determine an appropriate bus number for at least one bus in the first and second physical enclosures (AAPA; Fig. 1-5, "CEC" 110; page 5, line 20 – page 6, line 2; page 9, line 1 - page 10, line 11; In view of Mizukami the CEC is provided with the ability to read backup configuration data/bus numbering information from adjacent Towers' non-volatile memory.).

For claim 14:

A computer-implemented method for assigning and maintaining persistent numbers to a plurality of buses in a computer system that includes a plurality of physical enclosures, the method comprising the steps of:

- assigning unique bus numbers to buses in a first physical enclosure (AAPA; page 8, ll. 8-18);

- assigning unique bus numbers to buses in a second physical enclosure coupled to the first physical enclosure (AAPA; page 8, ll. 8-18);
- storing bus numbering information corresponding to the bus numbers for the buses in the first and second physical enclosures in a first non-volatile memory in the first physical enclosure (AAPA; page 5, ll. 3-19; and in conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information);
- storing bus numbering information corresponding to the bus numbers for the buses in the first and second physical enclosures in a second non-volatile memory in the second physical enclosure (AAPA; page 5, ll. 3-19; and in conjunction with the incorporation of Mizukami the non-volatile memory would be provided with a backup copy of adjacent Towers' non-volatile memory and therefore their bus numbering information);
- detecting a change in the computer system configuration;
- reading the bus numbering information from the first and second non-volatile memories to determine an appropriate bus number for the buses in the first physical enclosure; and
- reading the bus numbering information from the first and second non-volatile memories to determine an appropriate bus number for the buses in the second physical enclosure (AAPA; Fig. 1-5, "CEC" 110; page 5, line 20 – page 6, line 2; page 9, line 1 - page 10, line 11; In view of Mizukami the CEC is provided with the ability to read backup configuration data/bus numbering information from adjacent Towers' non-volatile memory.).

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For claim 16:

A program product comprising (AAPA; page 6, ll. 3-12):

- a bus number manager that detects a change in configuration of a computer system that includes a plurality of physical enclosures, the bus number manager reading bus numbering information from a non-volatile memory in a first physical enclosure to determine an appropriate bus number for at least one bus in the first physical enclosure and at least one bus in a second physical enclosure (AAPA; Fig. 1-5, “Bus # Manager” 119; page 5, line 20 – page 6, line 2; page 9, line 1 - page 10, line 11; In view of Mizukami the CEC is provided with the ability to read backup configuration data/bus numbering information from adjacent Towers’ non-volatile memory.); and
- computer readable signal bearing media bearing the bus number manager (AAPA; Fig. 2, “Memory” 118).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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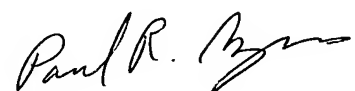
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M. Stiglic whose telephone number is 571.272.3641. The examiner can normally be reached on Monday - Friday (6:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571.272.3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMS



PAUL R. MYERS
PRIMARY EXAMINER